

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

MARTHA GAIL POORE

PLAINTIFF

v.

CIVIL ACTION NO. 2:22-cv-49-TBM-MTP

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
AFFIRMING THE FINAL DECISION OF THE COMMISSIONER**

Before the Court is the Report and Recommendation [22] entered by United States Magistrate Judge Michael T. Parker on April 18, 2023. Martha Gail Poore appeals the final decision of the Commissioner of Social Security Administration denying her claim for disability insurance benefits. Magistrate Judge Parker recommends that the Court affirm the Commissioner's final decision and dismiss this action with prejudice.

Neither the Commissioner of Social Security nor the Plaintiff have filed an objection to the Report and Recommendation, and the time for filing an objection has expired. "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72(b) advisory committee's note to 1983 addition (citations omitted); *see Casas v. Aduddell*, 404 F. App'x 879, 881 (5th Cir. 2010) (affirming district court's dismissal of Section 1983 claims and stating that "[w]hen a party fails timely to file written objections to the magistrate judge's proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error") (citing *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc), *superseded by statute on*

other grounds, 28 U.S.C. § 636(b)(1)); *Douglass*, 79 F.3d at 1430 (affirming district court's grant of summary judgment).

Objections to the Report and Recommendation were due by May 2, 2023. The Plaintiff did not file an objection. However, on May 5, 2023, the Plaintiff filed a Motion [23] for an Extension of Time to obtain counsel. Within her Motion, she provided no argument or evidence contradicting the Magistrate Judge's findings. And as Magistrate Judge Parker previously found, the Plaintiff has received multiple extensions of time in which she has stated she was seeking counsel. [21], p. 2; [20]; [16]; [14]; [11]; [9]. A review of the record reveals that the Plaintiff had at least ten months to obtain counsel and has failed to do so. [9]. The Plaintiff filed this action *pro se* and this case has been pending since April 18, 2022. [1]. Accordingly, the Plaintiff's Motion [23] for Extension of Time is denied. *See Dennis v. Johanns*, No. 4:08-cv-63-MPM, 2008 WL 5120393, at *1 (N.D. Miss. Dec. 4, 2008) (denying plaintiff's untimely motion for extension of time to obtain counsel and adopting report and recommendation).


The Court finds that the Magistrate Judge's Report and Recommendation is neither clearly erroneous nor contrary to law. The Report and Recommendation will be adopted as the opinion of the Court. The Plaintiff's request for additional time to obtain counsel is denied.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [22] entered by United States Magistrate Judge Michael T. Parker on April 18, 2023, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that the Commissioner of Social Security Administration's final decision is AFFIRMED.

IT IS FURTHER ORDERED AND ADJUDGED that the Plaintiff's Motion [23] for Extension of Time is DENIED.

This, the 2nd day of August, 2023.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE